

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAM SMITH (#241580),

Plaintiff,

CASE NO. 2:10-CV-13763
JUDGE PAUL D. BORMAN
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

LEERAY STEPHENS,
JOHN DOE, ALI MUHAMMAD,
ALICIA SMITH, BRIAN STAIR,
KYM WORTHY and
MARIA PETITO,

Defendants,

**ORDER DENYING PLAINTIFF'S JULY 18, 2011 MOTION FOR A MORE DEFINITE
STATEMENT AND TO STRIKE DEFENDANT WORTHY'S MOTION TO DISMISS
(Doc. Ent. 34)**

Defendant Worthy filed a motion to dismiss on June 29, 2011 (Doc. Ent. 30). Attached to that motion is Worthy's May 27, 2011 affidavit (Doc. Ent. 30-1).

Currently before the Court is plaintiff's July 18, 2011 motion for a more definite statement and to strike defendant Worthy's motion to dismiss. Doc. Ent. 34 at 1-3. Therein, plaintiff claims that defendant Worthy's dispositive motion is illegible and unsigned. Doc. Ent. 34 ¶¶ 2, 3 & 8.¹

Since plaintiff's filed his motion to strike, I entered an order setting the deadline for plaintiff's response to defendant Worthy's motion for August 29, 2011 (Doc. Ent. 35). On August 8, 2011, plaintiff filed a response to defendant Worthy's motion (Doc. Ent. 37 at 1-6) and

¹Attached to this motion is a July 11, 2011 denial of plaintiff's July 9, 2011 MDOC Legal Photocopy Disbursement Authorization (Doc. Ent. 34 at 4) and a proof of service (Doc. Ent. 34 at 5). The proof of service also refers to plaintiff's motion for sanctions against defendant Worthy's counsel, which does not appear to have been received/docketed by the Court. Doc. Ent. 34 at 5.

an affidavit (Doc. Ent. 38 at 1-3). Importantly, that affidavit attests that “[o]n July 19, 2011, [defendant] Worthy served on [plaintiff] a legible copy of her motion to dismiss.” Doc. Ent. 38 ¶ 16.¹

Upon consideration, plaintiff’s July 18, 2011 motion for a more definite statement and to strike defendant Worth’s motion to dismiss (Doc. Ent. 34) is DENIED.

IT IS SO ORDERED.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of service of a copy of this order within which to file an appeal for consideration by the district judge under 28 U.S.C. § 636(b)(1).

Dated: March 2, 2012

s/Paul J. Komives

PAUL J. KOMIVES

UNITED STATES MAGISTRATE JUDGE

¹*See also* Doc. Ent. 40 (Certificate of Service).